

Senate Engrossed

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**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
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Second Regular Session
2006

CHAPTER 163

SENATE BILL 1292

AN ACT

AMENDING SECTIONS 34-102 AND 34-603, ARIZONA REVISED STATUTES; RELATING TO
CONSTRUCTION SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 34-102, Arizona Revised Statutes, is amended to
3 read:

4 34-102. Multiple contracts

5 A. For professional services that are provided by a technical
6 registrant, an agent may procure and award multiple contracts from a single
7 solicitation under section 34-103 or 34-603, as applicable, except that
8 professional services that are part of design-build construction services may
9 not be procured under this subsection. Each of the multiple contracts for
10 professional services must have a term not exceeding five years and may
11 continue in effect after the five year term for professional services on
12 projects commenced within the five year term.

13 B. In a solicitation for multiple contracts for professional services
14 by technical registrants:

15 1. Any publication shall include the fact that multiple contracts may
16 or will be awarded, shall state the number of contracts that may or will be
17 awarded and shall describe the services to be performed under each
18 contract. If the solicitation is under section 34-603, subsection C, the
19 request for qualifications shall also contain this information.

20 2. There shall be a single selection process for all of the multiple
21 contracts, except that if the solicitation is under section 34-103,
22 subsections E and F or under section 34-603, subsection C there shall be a
23 separate final list for each contract and a separate contract negotiation for
24 each contract. However, if the solicitation specifies that all of the
25 multiple contracts will be awarded to a single contractor, there may be a
26 single final list and a single negotiation for all of the multiple contracts.

27 3. The agent may award all of the multiple contracts to one contractor
28 or may award the multiple contracts to multiple contractors.

29 C. Except for CONSTRUCTION-MANAGER-AT-RISK CONSTRUCTION SERVICES FOR
30 HORIZONTAL CONSTRUCTION AND DESIGN-BUILD CONSTRUCTION SERVICES FOR horizontal
31 construction, multiple contracts for construction-manager-at-risk
32 construction services, design-build construction services or
33 job-order-contracting construction services may be procured in a single
34 solicitation as provided in section 34-603, subsection C.

35 Sec. 2. Section 34-603, Arizona Revised Statutes, is amended to read:

36 34-603. Procurement of professional services and
37 construction-manager-at-risk, design-build and
38 job-order-contracting construction services;
39 definition

40 A. Except for services an agent procures pursuant to section 34-103 or
41 34-604, an agent shall procure the following services pursuant to this
42 section:

- 43 1. Architect services.
44 2. Construction-manager-at-risk construction services.
45 3. Design-build construction services.

- 1 4. Engineer services.
- 2 5. Job-order-contracting construction services.
- 3 6. Landscape architect services.
- 4 7. Assayer services.
- 5 8. Geologist services.
- 6 9. Land surveying services.

7 B. An agent shall provide notice of each procurement of professional
8 services or construction services specified in this section and shall award
9 contracts on the basis of demonstrated competence and qualifications for the
10 type of professional services or construction services pursuant to the
11 procedures prescribed in this section.

12 C. In the procurement of professional services or construction
13 services pursuant to this section:

14 1. An agent shall issue a request for qualifications for each contract
15 and publish notice of the request for qualifications. This notice shall be
16 published by advertising in a newspaper of general circulation in the county
17 in which the agent is located for two consecutive publications if it is a
18 weekly newspaper or for two publications that are at least six but no more
19 than ten days apart if it is a daily newspaper. The request for
20 qualifications shall:

21 (a) Include the number of persons or firms to be included on the final
22 list. In a request for qualifications for a horizontal construction project,
23 at least three but not more than five persons or firms shall be on the final
24 list. In all other requests for qualifications, three persons or firms shall
25 be on the final list.

26 (b) State the criteria to be used by the selection committee to select
27 the person or firm to perform the professional services or the construction
28 services. The request for qualifications shall also state in a manner
29 determined by the agent the relative weight of the selection criteria and, if
30 required under paragraph 7, subdivision (b) of this subsection, that one of
31 the criteria will be the person's or firm's subcontractor selection plan or
32 procedures to implement the agent's subcontractor selection plan.

33 (c) If the agent will hold interviews as part of the selection
34 process, state that interviews shall be held with at least three and no more
35 than five persons or firms, except that if multiple contracts are being
36 procured under a single request for qualifications solicitation under this
37 subsection or a single request for qualifications and request for proposals
38 solicitation under this subsection and subsection F of this section, the
39 number to be interviewed shall be at least three and not more than the number
40 of contracts plus two.

41 2. An agent shall initiate an appropriately qualified selection
42 committee for each request for qualifications. If the agent is procuring
43 professional services, the agent shall determine the number and
44 qualifications of the selection committee members. A selection committee for
45 the procurement of construction services shall not have more than seven

1 members, except that, if the contract involves the agent and additional
2 governmental or private participants, the number of members of the selection
3 committee shall be increased by one for each additional participant, except
4 that the maximum number of members of the selection committee is nine. The
5 selection committee for construction services shall include at least one
6 person who is a senior management employee of a licensed contractor and one
7 person who is an architect or an engineer who is registered pursuant to
8 section 32-121. These members may be employees of the agent or outside
9 consultants. Outside contractors, architects and engineers serving on a
10 selection committee shall not receive compensation from the agent for
11 performing this service, but the agent may elect to reimburse outside
12 contractors, architects and engineers for travel, lodging and other expenses
13 incurred in connection with service on a selection committee. A person who
14 is a member of a selection committee shall not be a contractor under a
15 contract awarded under the procurement or provide construction, construction
16 services, materials or services under the contract. The selection committee
17 shall:

18 (a) Evaluate the statements of qualifications and performance data
19 that are submitted in response to the agent's request for qualifications.

20 (b) If determined by the agent and included by the agent in the
21 request for qualifications, conduct interviews with the number of persons or
22 firms to be interviewed as stated in the request for qualifications regarding
23 the professional services or construction services and the relative methods
24 of approach for furnishing the required professional services or construction
25 services.

26 (c) After any interviews, in order of preference, based on the
27 criteria and the weighting of criteria included in the request for
28 qualifications, select a final list for each contract of persons or firms the
29 selection committee deems to be the most qualified to provide the
30 professional services or construction services and, in the case of a contract
31 that will be negotiated under subsection E of this section, rank the persons
32 or firms on the final list in order of preference. The selection committee
33 shall base the selection of the final list and the order of preference on
34 demonstrated competence and qualifications only. If the request for
35 qualifications solicited multiple contracts, the selection committee shall
36 select a separate final list for each contract, except that if multiple
37 contracts are being procured and if the request for qualifications specified
38 that all of the multiple contracts will be awarded to a single contractor,
39 the selection committee may select a single final list for all of the
40 multiple contracts. The number of persons or firms on the final list shall
41 be the number of persons or firms specified in the request for
42 qualifications, except that:

43 (i) If a smaller number of responsive and responsible persons or firms
44 respond to the solicitation, the agent may elect to have the selection
45 committee proceed with the selection process, including interviews and the

1 final list, with the remaining persons or firms if at least two persons or
2 firms remain or the agent may readvertise pursuant to this subsection as the
3 agent deems necessary or appropriate.

4 (ii) If only one responsive and responsible person or firm responds to
5 a solicitation for a contract or multiple contracts to be negotiated pursuant
6 to subsection E of this section, the agent may elect to proceed with only one
7 person or firm in the selection process and may award the contract or
8 contracts to a single person or firm if the agent determines in writing that
9 the fee negotiated pursuant to subsection E of this section is fair and
10 reasonable and that either other prospective persons or firms had reasonable
11 opportunity to respond or there is not adequate time for a resolicitation.

12 (iii) If a person or firm on the final list withdraws or is removed
13 from the selection process and the selection committee determines that it is
14 in the best interest of the agent, the selection committee may replace that
15 person or firm with another person or firm that submitted qualifications and
16 that is selected by the selection committee as the next most qualified.

17 (d) Base the selection of the final list and order of preference on
18 the final list on demonstrated competence and qualifications only.

19 3. Except for CONSTRUCTION-MANAGER-AT-RISK CONSTRUCTION SERVICES FOR
20 HORIZONTAL CONSTRUCTION AND DESIGN-BUILD construction services for horizontal
21 construction, an agent may procure multiple contracts for professional
22 services, construction-manager-at-risk construction services, design-build
23 construction services or job-order-contracting construction services under a
24 single request for qualifications solicitation under this subsection or, for
25 job-order-contracting construction services or design-build construction
26 services, under a single request for qualifications and request for proposals
27 solicitation under this subsection and subsection F of this section. if an
28 agent does this:

29 (a) The advertisement and the request for qualifications shall state
30 that multiple contracts may or will be awarded, shall state the number of
31 contracts that may or will be awarded and shall describe the services to be
32 performed under each contract.

33 (b) There shall be a single selection process for all of the multiple
34 contracts, except that for each contract there shall be a separate final list
35 and a separate negotiation under subsection E of this section or a separate
36 request for proposals competition under subsection F of this section.
37 However, if the request for qualifications specifies that all of the multiple
38 contracts will be awarded to a single contractor, there may be a single final
39 list and a single negotiation for all of the multiple contracts under
40 subsection E of this section or a single request for proposals competition
41 under subsection F of this section.

42 (c) The agent may award all of the multiple contracts to one
43 contractor or may award the multiple contracts to multiple contractors.

44 4. For professional services, an agent may procure multiple contracts
45 using a single request for qualifications solicitation under this subsection,

1 except that professional services that are part of design-build construction
2 services may not be procured under this paragraph. Each of the multiple
3 contracts for professional services must have a term not exceeding five years
4 and may continue in effect after the five year term for professional services
5 on projects commenced within the five year term.

6 ~~5. Except for horizontal construction,~~ An agent may procure multiple
7 contracts for job-order-contracting construction services using a single
8 request for qualifications solicitation under this subsection or using a
9 single request for qualifications and request for proposals solicitation
10 under this subsection and subsection F of this section.

11 6. Except for horizontal construction, an agent may procure multiple
12 contracts for construction-manager-at-risk construction services or for
13 design-build construction services using a single request for qualifications
14 solicitation under this subsection or for design-build construction services
15 using a single request for qualifications and request for proposals
16 solicitation under this subsection and subsection F of this section but in
17 either case only for a specific single project. Portions of the specific
18 single project shall be allocated to separate contracts.

19 7. For construction-manager-at-risk construction services,
20 design-build construction services and job-order-contracting construction
21 services if the contract will be negotiated under subsection E of this
22 section or for job-order-contracting construction services if the contract
23 will be awarded pursuant to subsection F of this section:

24 (a) The person or firm selected to perform the construction services
25 must select subcontractors based on qualifications alone or on a combination
26 of qualifications and price and shall not select subcontractors based on
27 price alone. A qualifications and price selection may be a single step
28 selection based on a combination of qualifications and price or a two step
29 selection. In a two step selection, the first step shall be based on
30 qualifications alone and the second step may be based on a combination of
31 qualifications and price or on price alone.

32 (b) The agent shall include in the request for qualifications either:

33 (i) A requirement that each person or firm submit a proposed
34 subcontractor selection plan, a requirement that the proposed subcontractor
35 selection plan must select subcontractors based on qualifications alone or on
36 a combination of qualifications and price and shall not select subcontractors
37 based on price alone and, as a selection criteria under the request for
38 qualifications, an evaluation of each person's or firm's proposed
39 subcontractor selection plan.

40 (ii) A subcontractor selection plan adopted by the agent that will
41 apply to the person or firm that is selected to perform the construction
42 services and that requires subcontractors to be selected based on
43 qualifications alone or on a combination of qualifications and price and not
44 based on price alone, a requirement that each person or firm must submit a
45 description of the procedures it proposes to use to carry out the agent's

1 subcontractor selection plan and, as a selection criteria under the request
2 for qualifications, an evaluation of each person's or firm's proposed
3 procedures to carry out the agent's subcontractor selection plan.

4 (c) The agent shall include in its contract with the selected person
5 or firm either:

6 (i) If the agent included its subcontractor selection plan in the
7 request for qualifications, the agent's subcontractor selection plan and the
8 procedures proposed by the selected person or firm in submitting its
9 qualifications with those modifications to the procedures as the agent and
10 the selected person or firm agree.

11 (ii) If the agent did not include its subcontractor selection plan in
12 the request for qualifications, the subcontractor selection plan proposed by
13 the selected person or firm in submitting its qualifications with those
14 modifications as the agent and the selected person or firm agree.

15 (d) In making the selection of subcontractors, the person or firm
16 selected to perform the construction services shall use the subcontractor
17 selection plan and any procedures included in its contract.

18 8. The agent and the selection committee shall not request or consider
19 fees, price, man-hours or any other cost information at any point in the
20 selection process under this subsection or subsection D of this section,
21 including the selection of the persons or firms to be interviewed, the
22 selection of the persons or firms to be on the final list, in determining the
23 order of preference of persons or firms on the final list or for any other
24 purpose in the selection process.

25 9. For construction-manager-at-risk construction services and
26 design-build construction services, the contract or contracts under a single
27 request for qualifications solicitation or for design-build construction
28 services a single request for qualifications and request for proposals
29 solicitation shall be limited to a specific single project.

30 D. An agent shall award a contract for professional services or for
31 construction services to one of the persons or firms on the final list for
32 that contract prepared pursuant to subsection C of this section as provided
33 in subsection E or F of this section, except that, if fewer than the number
34 of persons or firms on the final list respond to the request for proposals
35 pursuant to subsection F of this section but at least two persons or firms on
36 the final list submit responsive proposals or if one or more of the persons
37 or firms on the final list drop out of the selection process pursuant to
38 subsection E or F of this section:

39 1. If there are three or more remaining persons or firms, the agent
40 shall proceed with the selection process.

41 2. If there are only two remaining persons or firms, as the agent
42 deems necessary and appropriate, the agent may elect to proceed with the
43 selection process with the two persons or firms or may elect to terminate the
44 selection process and may elect to readvertise pursuant to subsection C of
45 this section.

1 3. If there is only one remaining person or firm, the agent may award
2 the contract to a single person or firm if the agent determines in writing
3 that the fee negotiated pursuant to subsection E of this section is fair and
4 reasonable and that either other prospective persons or firms had reasonable
5 opportunity to respond or there is not adequate time for a resolicitation.

6 E. For each contract included in the request for qualifications, the
7 agent shall enter into separate negotiations for the contract with the
8 highest qualified person or firm on the final list for that contract
9 determined pursuant to subsection C of this section for the professional
10 services or for the construction services. However, if the request for
11 qualifications is for multiple contracts and specifies that all of the
12 multiple contracts will be awarded to a single contractor, there may be a
13 single negotiation for all of the multiple contracts. The negotiations shall
14 include consideration of compensation and other contract terms that the agent
15 determines to be fair and reasonable to the agent. In making this decision,
16 the agent shall take into account the estimated value, the scope, the
17 complexity and the nature of the professional services or construction
18 services to be rendered. If the agent is not able to negotiate a
19 satisfactory contract with the highest qualified person or firm on the final
20 list, at compensation and on other contract terms the agent determines to be
21 fair and reasonable, the agent shall formally terminate negotiations with
22 that person or firm. The agent may undertake negotiations with the next most
23 qualified person or firm on the final list in sequence until an agreement is
24 reached or a determination is made to reject all persons or firms on the
25 final list. If a contract for construction services is entered into pursuant
26 to this subsection:

27 1. If the contract is for construction-manager-at-risk construction
28 services and includes preconstruction services by the contractor or if the
29 contract is for design-build construction services, the agent shall enter
30 into a written contract with the contractor for preconstruction services
31 under which contract the agent shall pay the contractor a fee for
32 preconstruction services in an amount agreed by the agent and the contractor,
33 and the agent shall not request or obtain a fixed price or a guaranteed
34 maximum price for the construction from the contractor or enter into a
35 construction contract with the contractor until after the agent has entered
36 into the written contract for preconstruction services and a preconstruction
37 services fee.

38 2. Construction shall not commence until the agent and contractor
39 agree in writing on either a fixed price that the agent will pay for the
40 construction to be commenced or a guaranteed maximum price for the
41 construction to be commenced.

42 F. As an alternative to subsection E of this section, an agent may
43 award design-build construction services or job-order-contracting
44 construction services as follows:

1 1. The agent shall use the selection committee appointed for the
2 request for qualifications pursuant to subsection C of this section.
3 2. The agent shall issue a request for proposals to the persons or
4 firms on the final list developed pursuant to subsection C of this section.
5 3. For design-build construction services and job-order-contracting
6 construction services, the request for proposals shall include:
7 (a) The agent's project schedule and project final design and
8 construction budget or life cycle budget for a procurement that includes
9 maintenance services or operations services.
10 (b) A statement that the contract or contracts will be awarded to the
11 offeror whose proposal receives the highest number of points under a scoring
12 method.
13 (c) A description of the scoring method, including a list of the
14 factors in the scoring method and the number of points allocated to each
15 factor. The factors in the scoring method shall include:
16 (i) For design-build construction services only, demonstrated
17 compliance with the design requirements.
18 (ii) Offeror qualifications.
19 (iii) Offeror financial capacity.
20 (iv) Compliance with the agent's project schedule.
21 (v) For design-build construction services only, if the request for
22 proposals specifies that the agent will spend its project budget and not more
23 than its project budget and is seeking the best proposal for the project
24 budget, compliance of the offeror's price or life cycle price for
25 procurements that include maintenance services, operations services or
26 finance services with the agent's budget as prescribed in the request for
27 proposals.
28 (vi) For design-build construction services if the request for
29 proposals does not contain the specifications prescribed in item (v) and for
30 job-order-contracting construction services, the price or life cycle price
31 for procurements that include maintenance services, operations services or
32 finance services.
33 (vii) An offeror quality management plan.
34 (viii) Other evaluation factors as determined by the agent, if any.
35 (d) For design-build construction services only, the design
36 requirements.
37 (e) A requirement that each offeror submit separately a technical
38 proposal and a price proposal and that the offeror's entire proposal be
39 responsive to the requirements in the request for proposals. For
40 design-build construction services, the price in the price proposal shall be
41 a fixed price or a guaranteed maximum price.
42 (f) A statement that in applying the scoring method the selection
43 committee will separately evaluate the technical proposal and the price
44 proposal and will evaluate and score the technical proposal before opening
45 the price proposal.

1 (g) If the agent conducts discussions pursuant to paragraph 5 of this
2 subsection, a statement that discussions will be held and a requirement that
3 each offeror submit a preliminary technical proposal before the discussions
4 are held.

5 4. If the agent determines to conduct discussions pursuant to
6 paragraph 5 of this subsection, each offeror shall submit a preliminary
7 technical proposal to the agent before those discussions are held.

8 5. If determined by the agent and included by the agent in the request
9 for proposals, the selection committee shall conduct discussions with all
10 persons or firms that submit preliminary technical proposals. Discussions
11 shall be for the purpose of clarification to assure full understanding of,
12 and responsiveness to, the solicitation requirements. Offerors shall be
13 accorded fair treatment with respect to any opportunity for discussion and
14 for clarification by the owner. Revision of preliminary technical proposals
15 shall be permitted after submission of preliminary technical proposals and
16 before award for the purpose of obtaining best and final proposals. In
17 conducting any discussions, information derived from proposals submitted by
18 competing offerors shall not be disclosed to other competing offerors.

19 6. After completion of any discussions pursuant to paragraph 5 of this
20 subsection or if no discussions are held, each offeror shall submit
21 separately the offeror's final technical proposal and its price proposal.

22 7. Before opening any price proposal, the selection committee shall
23 open the final technical proposals, evaluate the final technical proposals
24 and score the final technical proposals using the scoring method in the
25 request for proposals. No other factors or criteria may be used in the
26 evaluation and scoring.

27 8. After completion of the evaluation and scoring of all final
28 technical proposals, the selection committee shall open the price proposals,
29 evaluate the price proposals, score the price proposals and complete the
30 scoring of the entire proposals using the scoring method in the request for
31 proposals. No other factors or criteria may be used in the evaluation and
32 scoring.

33 9. The agent shall award the contract or contracts to the responsive
34 and responsible offeror whose proposal receives the highest score under the
35 method of scoring in the request for proposals. No other factors or criteria
36 may be used in the evaluation.

37 10. The contract or contracts file shall contain the basis on which the
38 award is made.

39 11. For design-build construction services only, the agent shall award
40 a stipulated fee equal to a percentage, as prescribed in the request for
41 proposals, of the agent's project final design and construction budget, as
42 prescribed in the request for proposals, but not less than two-tenths of one
43 per cent of the project final design and construction budget to each final
44 list offeror who provides a responsive, but unsuccessful, proposal. If the
45 agent does not award a contract, all responsive final list offerors shall

1 receive the stipulated fee based on the owner's estimate of the project final
2 design and construction budget as included in the request for proposals. The
3 agent shall pay the stipulated fee to each offeror within ninety days after
4 the award of the initial contract or the decision not to award a contract. In
5 consideration for paying the stipulated fee, the agent may use any ideas or
6 information contained in the proposals in connection with any contract
7 awarded for the project, or in connection with a subsequent procurement,
8 without any obligation to pay any additional compensation to the unsuccessful
9 offerors. Notwithstanding the other provisions of this paragraph, an
10 unsuccessful final list offeror may elect to waive the stipulated fee. If an
11 unsuccessful final list offeror elects to waive the stipulated fee, the agent
12 may not use ideas and information contained in the offeror's proposal, except
13 that this restriction does not prevent the agent from using any idea or
14 information if the idea or information is also included in a proposal of an
15 offeror that accepts the stipulated fee.

16 G. Until an award and execution of a contract by an agent, only the
17 name of each person or firm on the final list developed pursuant to
18 subsection C of this section may be made available to the public. All other
19 information received by the agent in response to the request for
20 qualifications or contained in the proposals shall be confidential in order
21 to avoid disclosure of the contents that may be prejudicial to competing
22 offerors during the selection process. The proposals shall be open to public
23 inspection after the contract is awarded and the agent has executed the
24 contract. To the extent that the offeror designates and the agent concurs,
25 trade secrets and other proprietary data contained in a proposal remain
26 confidential.

27 H. An agent may cancel a request for qualifications or a request for
28 proposals or reject in whole or in part any or all proposals as specified in
29 the solicitation if it is in the best interest of the agent. The agent shall
30 make the reasons for cancellation or rejection part of the contract file.

31 I. Notwithstanding any other law:

32 1. The contractor for design-build or job-order-contracting
33 construction services is not required to be registered to perform design
34 services pursuant to title 32, chapter 1 if the person or firm actually
35 performing the design services on behalf of the contractor is appropriately
36 registered.

37 2. The contractor for construction-manager-at-risk, design-build or
38 job-order-contracting construction services shall be licensed to perform
39 construction pursuant to title 32, chapter 10.

40 3. For each project for horizontal construction under a design-build
41 or construction-manager-at-risk construction services contract, the licensed
42 contractor performing the contract shall perform, with the contractor's own
43 organization, construction work that amounts to not less than forty-five per
44 cent of the total contract price for construction. For the purposes of this
45 paragraph, the total contract price for construction does not include the

1 cost of preconstruction services, design services or any other related
2 services or the cost to procure any right-of-way or other cost of
3 condemnation.

4 4. There shall be a separate request for qualifications under
5 subsection C of this section for each contract for horizontal construction
6 construction-manager-at-risk construction services, ~~OR HORIZONTAL~~
7 ~~CONSTRUCTION design-build construction services or job-order contracting~~
8 ~~construction services.~~

9 J. For job-order-contracting construction services only:

10 1. The maximum dollar amount of an individual job order shall be one
11 million dollars or such higher or lower amount prescribed by the agent in an
12 action noticed pursuant to title 38, chapter 3, article 3.1 or a rule adopted
13 by the agent as the maximum amount of an individual job order. Requirements
14 shall not be artificially divided or fragmented in order to constitute a job
15 order that satisfies this requirement.

16 2. If the contractor subcontracts or intends to subcontract part or
17 all of the work under a job order and if the job order construction services
18 contract includes descriptions of standard individual tasks, standard unit
19 prices for standard individual tasks and pricing of job orders based on the
20 number of units of standard individual tasks in the job order:

21 (a) The contractor has a duty to deliver promptly to each
22 subcontractor invited to bid a coefficient to the contractor to do all or
23 part of the work under one or more job orders:

24 (i) A copy of the descriptions of all standard individual tasks on
25 which the subcontractor is invited to bid.

26 (ii) A copy of the standard unit prices for the individual tasks on
27 which the subcontractor is invited to bid.

28 (b) If not previously delivered to the subcontractor, the contractor
29 has a duty to deliver promptly the following to each subcontractor invited to
30 or that has agreed to do any of the work included in any job order:

31 (i) A copy of the description of each standard individual task that is
32 included in the job order and that the subcontractor is invited to perform.

33 (ii) The number of units of each standard individual task that is
34 included in the job order and that the subcontractor is invited to perform.

35 (iii) The standard unit price for each standard individual task that
36 is included in the job order and that the subcontractor is invited to
37 perform.

38 K. Notwithstanding anything to the contrary in this chapter, an agent
39 shall not procure any horizontal construction using the
40 construction-manager-at-risk, design-build or job-order-contracting method of
41 project delivery after June 30, 2010. For purposes of this paragraph, an
42 agent procures horizontal construction when the contract for the construction
43 services is executed by the agent and the contractor for the
44 construction-manager-at-risk, design-build or job-order-contracting
45 construction services. If a contract is executed for construction services

1 on or before June 30, 2010, construction services under the contract may be
2 rendered in whole or in part after June 30, 2010.

3 L. Notwithstanding anything to the contrary in this section or this
4 title, an agent shall not:

5 1. Enter into a contract as contractor to provide
6 construction-manager-at-risk construction services, design-build construction
7 services or job-order-contracting construction services.

8 2. Contract with itself, with another agent, with this state or with
9 any other governmental unit of this state or the federal government for the
10 agent to provide construction-manager-at-risk construction services,
11 design-build construction services or job-order-contracting construction
12 services.

13 M. The prohibitions prescribed in subsection L of this section do not
14 prohibit an agent from providing construction for itself as provided by law.

15 ~~0.~~ N. The agent shall include in each contract for construction
16 services the full street or physical address of each separate location at
17 which the construction will be performed and a requirement that the
18 contractor and each subcontractor at any level include in each of its
19 subcontracts the same address information. The contractor and each
20 subcontractor at any level shall include in each subcontract the full street
21 or physical address of each separate location at which construction work will
22 be performed.

23 ~~N.~~ O. For the purposes of this section, "professional services"
24 includes architect services, engineer services, landscape architect services,
25 assayer services, geologist services and land surveying services and any
26 combination of those services.

APPROVED BY THE GOVERNOR APRIL 17, 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 17, 2006.